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17 **UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 CENTER FOR BIOLOGICAL DIVERSITY
21 *et al.*,

22 Plaintiffs,

23 v.

24 MICHAEL S. REGAN, in his official capacity
25 as the Administrator of the United States
Environmental Protection Agency,

26 Defendant.

27 Case No. 3:20-cv-05436-EMC

28 **JOINT NOTICE TO COURT OF
STIPULATION TO MODIFY CONSENT
DECREE (DKT. NO. 44)**

29 Defendant Michael S. Regan, in his official capacity as the Administrator of the United
30 States Environmental Protection Agency (hereinafter “EPA”), and Plaintiffs Center for
31 Biological Diversity, Center for Environmental Health, and Sierra Club (collectively,
32 “Plaintiffs”) file this stipulation notifying the Court that the parties have agreed to extend the
33 deadlines for final action to determine whether Muscatine, Iowa and St. Bernard Parish,
34 Louisiana have attained the 2010 sulfur dioxide National Ambient Air Quality Standards (“SO₂
35 NAAQS”) by the attainment date. The aforementioned deadline is set forth in Paragraph 1.b. of

1 the Consent Decree entered by the Court on June 25, 2021 (Dkt. No. 44). Paragraph 5 of the
2 Consent Decree provides, inter alia, that “[t]he deadlines established by this Consent Decree may
3 be extended (a) by written stipulation of Plaintiffs and EPA with notice to the Court”
4 Consent Decree, ¶ 5;

5 WHEREAS, the Consent Decree provides that, no later than March 31, 2022, the
6 appropriate EPA official shall “sign a notice of final rulemaking pursuant to CAA section
7 179(c), 42 U.S.C. § 7509(c), determining whether [Muscatine, Iowa and St. Bernard Parish,
8 Louisiana] attained the 2010 SO₂ NAAQs by the attainment date, i.e. April 4, 2019[.]” Consent
9 Decree, ¶ 1.b.;

10 WHEREAS, EPA needs additional time in light of factual developments that have
11 occurred since entry of the Consent Decree to sign notices of final rulemaking determining
12 whether Muscatine, Iowa and St. Bernard Parish, Louisiana attained the 2010 SO₂ NAAQs by
13 the attainment date;

14 WHEREAS, the parties have agreed to an extension of the action for Muscatine, Iowa in
15 Paragraph 1.b. from March 31, 2022 to June 30, 2022; and

16 WHEREAS, the parties have agreed to an extension of the action for St. Bernard Parish,
17 Louisiana in Paragraph 1.b. from March 31, 2022 to September 30, 2022.

18 NOW THEREFORE, Plaintiffs and EPA hereby stipulate as follows:

19 1. EPA’s deadline to perform the action described in Paragraph 1.b. of the Consent
20 Decree with regard to Muscatine, Iowa (Dkt. No. 44, ¶ 1.b.) is extended to June 30, 2022.

21 2. EPA’s deadline to perform the action described in Paragraph 1.b. of the Consent
22 Decree with regard to St. Bernard Parish, Louisiana (Dkt. No. 44, ¶ 1.b.) is extended to
23 September 30, 2022.

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1 Respectfully submitted,

2 Date: February 8, 2022

3 /s Robert Ukeiley (email auth. 2/7/22)
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